

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

**FILED - GR**  
May 1, 2015 1:14 PM  
TRACEY CORDES, CLERK  
U.S. DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
BY: ns / \_\_\_\_\_ SCANNED BY: \_\_\_\_\_

DAVID WILLIAM NAIL,

Plaintiff,

vs.

AUTUMN SCHRAUBEN, PENNY ADAMS, AMIE  
HUTCHEINS, AND OFFENDEX.COM, ONLINE  
DETECTIVE.COM, SORACHIVES.COM, AND  
SEXOFFENDERRECORD.COM aka Owned and  
Operated by CHARLES RODRICK, BRENT  
OESTERBLAD, SARAH SHEA, an individual; WEB  
EXPRESS LLC, AN ARIZONA LIMITED LIABILITY  
COMPANY; AND LLC, AN ARIZONA LIMITED  
LIABILITY COMPANY, D/B/A/ OFFENDEX.COM.,

Defendants.

Case No.: No. 1:15-cv-00177

Hon. Hugh W. Brenneman

Hon. Robert J. Jonker

MOTION TO AMEND  
MOTION TO DISMISS  
TO READ  
MOTION TO DISMISS  
WITH PREDJUDICE

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David W. Nail Pro Se Plaintiff  
185 N. Behnke Road  
Coldwater, MI 49036

1101 East Copeland Road  
Montgomery, Michigan 49255  
(517)227-8017

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Joseph T. Froehlich (P71887)  
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(317) 232-6297  
Email: caryn.nieman@atg.in.gov  
ATTORNEY TO BE NOTICED

Relying on Rule 15(a) Amended and Supplemental Pleadings, Defendant Sarah Shea requests that the Motion to Dismiss, read MOTION TO DISMISS WITH PREDJUDICE.

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MOTION TO DISMISS  
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DEFENDANT SARAH SHEA'S  
MOTION TO DISMISS WITH PREJUDICE

**MOTION TO DISMISS UNDER RULE 12(b)  
FOR LACK OF JURISDICTION, IMPROPER VENUE, INSUFFICIENT  
SERVICE OF PROCESS, OR FAILURE TO STATE A CLAIM**

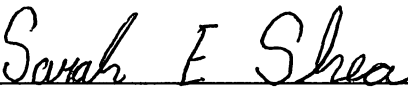
The defendant moves to dismiss the action *with prejudice* because:

Defendant Sarah E. Shea, moves this Honorable Court to Dismiss Plaintiff David Nail's Complaint under  
Fed. R. CIV. P. 12.

1. The defendant has not been properly served as, I am not the Sarah Shea mentioned in the  
Complaint as shown by the attached Affidavit of Sarah Eden Shea (Exhibit A).

*Defendant incorporates the complaint by reference.*

Respectfully submitted,

  
\_\_\_\_\_

Sarah E. Shea  
2353 E Fir St  
Williams, AZ 86046  
928-600-6775

Dated: April 24, 2015

CERTIFICATE OF SERVICE

I herby certify that on April 27, 2015, I mailed through US Mail he Clerk of the Court and all  
other parties.

  
\_\_\_\_\_

*Relying on Capital One Bank, N.A. Vs Czekal, 379 Ill App 3d 737 (2008) theKosydor court explained  
that the misnomer statute only applies when the party is correctly joined and served but merely called by  
the wrong name and in such cases the court had jurisdiction over the party and the judgment is good. But  
with mistaken identity the wrong person is joined and served and the court has not acquired personal  
jurisdiction over this person.*